

23. The recombinant DNA construct of Claim 20 wherein said figwort mosaic virus 34S promoter comprises a TATA box having the sequence TATTTAA.

24. The recombinant DNA construct of Claim 20 wherein said figwort mosaic virus 34S promoter comprises at least [approximately] 196bp 5' of the TATTTAA [383bp upstream of the BamHI site] at nucleotides [1078 to 1084] 894 to 900 of Figure 4.

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25. The recombinant DNA construct of Claim 20 wherein said figwort mosaic virus 34S promoter comprises at least [approximately] 362bp 5' of the TATTTAA [549bp upstream of the BamHI site] at nucleotides [1078 to 1084] 894 to 900 of Figure 4.

26. The recombinant DNA construct of Claim 20 wherein said figwort mosaic virus promoter comprises at least [approximately] 892bp 5' of the TATTTAA [1.1 kb upstream of the BamHI site] at nucleotides [1078 to 1084] 894 to 900 of Figure 4.

27. The recombinant DNA construct of Claim 20 wherein said DNA sequence of interest is a structural gene.

28. The recombinant DNA construct of Claim 20 wherein said DNA sequence of interest is an anti-sense DNA sequence.

Cancel Claim 29 in favor of new Claim 43.

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--43. A DNA cassette for plant genetic engineering applications, wherein said DNA cassette comprises a recombinant DNA construct of Claim 20, and a second recombinant DNA construct comprising as operably joined components in the 5' to 3' direction of transcription, a CaMV 35S promoter, a DNA sequence

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of interest and a transcript termination region functional in a plant cell.--

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~~30. The recombinant DNA [construct] cassette of Claim [29] 43 wherein said [second] DNA sequence of interest joined to said CaMV 35S promoter is different from said DNA sequence of interest joined to said figwort mosaic virus promoter.~~

~~11 33. The recombinant DNA construct of Claim ~~20~~ further comprising a 5' untranslated leader sequence.~~

~~12 34. The recombinant DNA construct of Claim ~~33~~, wherein said 5' untranslated sequence is from a figwort mosaic virus 34S promoter.~~

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Sub G³ 35. A plant cell comprising a recombinant DNA construct of any one of Claims 20, 22-28, 30, 33-34 and 43 [20-34].

36. A plant comprising a recombinant DNA construct of any one of Claims [20-34] 20, 22-28, 30, 33-34 and 43.

Cancel Claims ~~21~~, 31-32 and 37-42 without prejudice to renewed prosecution of the subject matter of these claims in a continuing application.

REMARKS

Interview

The courteous interview granted Applicants' representative on April 28, 1992 is gratefully acknowledged. The discussions of "promoter" claim language and arguments pertaining to the 35 U.S.C. 102 and 103 rejections were especially helpful.

Amendments to Claims